

Dec 05 2011 2:41PM

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FACSIMILE COVER SHEET

From the Law Offices of

STUART I. DAVIS, ESQ.

715 CHURCH AVENUE - SUITE 200

TEL: 718-436-2640

Email: stuartidavis@lawyer.com

BROOKLYN, NEW YORK 11218

FAX: 718-436-2645

Date: DEC 5 2011

No. of Pages: 1
Including Cover Sheet

TO: OFFICE OF
MARSHAL HAMMER
Company Name

ATTN: MARSHAL HAMMER

Phone No 718 279-4118 Ext. Fax No. 718 279-4210

Email

SENDER: BR FR SID

☒ FYI ☐ Return Fax Requested ☐ Signature Requested ☒ Awaiting Response

Message:

You are hereby put on NOTICE to fix-repair-
replace the Entry Door to APT 3D of Premises
Situated in 1365 Carroll St, which you destroyed
in your illegal attempt to evict the occupants thereof.
This demand is made on behalf of the occupants and the
condo board. You shall have until 4PM tomorrow, December 6, 2011
to cause the repairs.

Should you have a problem receiving any pages of this Fax
Please contact the Sender

Legal Action will be taken on December 7, 2011 in the
event that the repairs are not made.

SID
dictated/MSH

Dec 05 2011 3:42AM

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Law Offices of
STUART L. DAVIS, ESQ.

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Email: stuartdavis@lawyer.com

BROOKLYN, NEW YORK 11218

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11-L-05

December 5, 2011

City Marshal Roger Hammer
41-02 Bell Blvd.
Bayside, New York 11361
Via Fax 718.279-4118

Re: Milton Reiss, Arlene Caution -v- Yosef Lifshitz Index # 87423-10 - Marshal's Docket No. 27558
Eviction Originally Scheduled for December 1, 2011
Stayed by Bankruptcy Court Filing STAY December 1, 2011
Eviction attempt on December 2, 2011

Honorable Marshal Hammer,

I will not assume to speculate as to what further actions you will attempt to take on behalf of the landlord in the above L & T matter relative to the eviction.

It has become quite obvious that you have abrogated your duties and responsibilities to do your own independent legal consultation when confronted with a 'legal' issue concerning a 'stay' of eviction; instead you have unilaterally decided to go by the 'advice' given to you by the attorney for the landlord, over my vehement objections.

I refer you to Section 6-9 of the Marshal's Handbook issued by the Department of Investigations under the auspices of the joint First and Second Appellate Divisions which controls all the Marshals in the 5 boroughs. This section clearly states that "The marshal may not rely on information provided by the parties or their attorneys regarding the disposition of the Order.

By this letter, I am asking you and the Department of Investigation to provide my office with a list of your evictions scheduled for December 1, 2011 as it appeared on your fortnightly report of November 30, 2011 to the Department of Investigations.

Likewise, I hereby ask for a copy of your fortnightly report of December 1, 2011 indicating your scheduled list of evictions for December 2, 2011.

I will also ask that you explain to the Department of Investigation as how you proceeded to 'rescheduled' the eviction for another day, **WITHOUT AN ADDITIONAL NOTICE** when the original eviction was stayed; as required pursuant to Section 5-4 of the Manual. Especially when the purpose of all the rules contained in the Manual is fostered so that the tenants have notice if and when they are to be evicted and that be done on such notice that they may be afforded to take whatever legal action is appropriate to stop and avoid "surprise" eviction.

Your UNNOTICED arrival on December 2nd, after your office had confirmed that the December 1st eviction has been canceled due to a stay, was totally improper; especially if it was based on instructions, information and advice of the landlord's attorney, without your independent verification.

Dec 05 2011 3:42AM

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STUART I. DAVIS, ESQ.
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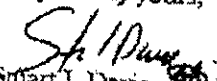
For your sake, I hope that you have been provided with an adequate 'hold harmless indemnification' agreement by the landlord and their attorney, as provided for under the Manual.

I wish to place on the record that you were advised that a sick child is residing in the apartment, and adequate notice is a necessity for any future attempts to evict.

Let this also serve as notice that the actual occupants of this apartment, since well prior to the time when the eviction proceedings were commenced, are in fact Benjamin Lifshitz and his family. See copies of various utility bills in his name for the subject apartment. Please refer to Section 1-2 of your Manual regarding the eviction of unnamed necessary parties to the action.

I thank you for your indulgence in this matter and expect that you will give this office all prior notice of your contemplated action simultaneously as you coordinate with the landlord and their attorney.

Respectfully yours,


Stuart I. Davis
SID/sg

cc: MARSHALS BUREAU
Office of the Public Administrators
KEITH SCHWAM - Inspector General
kschwam@doj.nyc.gov
80 Maiden Lane, New York, N.Y. 10038
(212) 825-5958/2475 Fax: (212) 825-6853

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**Council for Community
Preservation, Inc.**

Main Document
**ASSISTANCE & REFERRAL
RESOURCE CENTER FOR
EDUCATIONAL • FINANCIAL
FOOD • HEALTH • HOUSING
LEGAL & YOUTH SERVICES**

1610 52nd Street – Brooklyn, New York 11204
Tel 718.436-5614 Fax 718.853-3424

Isidore Newman
CHIEF EXECUTIVE DIRECTOR

11-L-05

March 20, 2012

Via Hand Delivery by Benjamin Herbst; Executive Director – Legal Division

Honorable Cecelia G. Morris
United States Bankruptcy Judge
Southern District of New York
335 Main Street
Poughkeepsie, New York 12601

**Re: Involuntary Pro-Se Bankruptcy Petition by Goldsmith against Lipschitz
by using the PACER-ECF of ATTORNEY STUART I. DAVIS**

Honorable Judge Morris;

I am the executive director of our above named organization (formerly 'Community Council for Housing Preservation) which is involved in helping the citizens of our communities we serve in most aspects of their lives and existence.

It has been said that we operate a "CRADLE TO GRAVE" help organization.

Let this letter serve as an introduction letter for the Honorable Court to hear and accept our most sincere apologies directly from the personal appearance of Benjamin Herbst, the Executive Director of our Legal Division and hear from his mouth the regrets we all have in operating in the manner we have as far as using the filing privileges of some of the attorneys who so tirelessly work on behalf of our communities.

This practice has been ongoing ever since the State and Federal Courts have instituted 'electronic filing' from the convenience of sitting at the desk at all hours of the day.

This saved our organization and clients many trips to the courthouses where heretofore all filings were made, whether by attorney or pro-se.

This practice, of using the sign-in privileged of various attorneys had been ongoing for some time and it involved EVERY DISTRICT AND EVERY COUNTY, where such 'electronic filing' was available.

Never before, but for this instance, before this august Court, where we as an organization and/or the specific attorney whose sign-in was involved, ever upbraided by any litigant or Judge for this practice.

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Newman to Judge Morris

As the expression says; "there is always a first time"; which inevitably leads to the "last time".

I can assure this Court that Mr. Davis had nothing at all to do with the "pro-se" filing(s) and had no prior knowledge of the filings or anything about the filings.

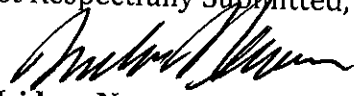
In our defense; I wish to state, that the filing system does provide for the selection of the choice whether the attorney under whose name the filing is made, elects to be "the attorney of record for the filer".

This "choice" in the filing process, led us to believe that this practice was consistent and sanctioned by the rules as being an approved practice.

We did NOT know otherwise until this Court brought this practice up for scrutiny.

If sanctions are appropriate, then let NOT the Court sanction the WRONG person.

Most Respectfully Submitted,



Isidore Newman

Council for Community Preservation, Inc.

Main Document
ASSISTANCE & REFERRAL
RESOURCE CENTER FOR
EDUCATIONAL • FINANCIAL
FOOD • HEALTH • HOUSING
LEGAL & YOUTH SERVICES

Legal Support Services Bureau
(Provided Pursuant to Judiciary Law 495)

Benjamin E. Herbst
EXECUTIVE DIRECTOR

1610 52nd Street – Brooklyn, New York 11204
Tel 718.436-5614 Fax 718.853-3424

11-L-05

April 2, 2012

Via Hand Delivery by Benjamin Herbst; Executive Director – Legal Division

Honorable Cecelia G. Morris
United States Bankruptcy Judge
Southern District of New York
335 Main Street
Poughkeepsie, New York 12601

**Re: Involuntary Pro-Se Bankruptcy Petition by Goldsmith against Lipschitz
by using the PACER-ECF of ATTORNEY STUART I. DAVIS**

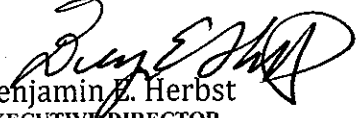
Honorable Judge Morris;

On behalf of our organization, our staff, our students, clients and myself;
Please accept our sincere apologies for the entrenched practices we had been innocently involved in,
which has brought ill repute to a very hard working member of the bar practicing before your Court.

Mr. Davis should be fully excused, because he was not involved in any way in the practices to which
your Honor has put a STOP; although this practice was never questioned by any other Jurist in any Court
of whatever jurisdiction.

We are looking forward for the court systems to provide "GUEST" access to non-registered filers in
order to promote and promulgate the "electronic filing" systems to all manner of filers.

Most Respectfully Submitted,


Benjamin E. Herbst
EXECUTIVE DIRECTOR